



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,523	11/28/2006	Masayuki Sekiguchi	292096US0PCT	6250
22850	7590	12/26/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CHAPEL, DEREK S	
			ART UNIT 2872	PAPER NUMBER
			NOTIFICATION DATE 12/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/581,523	Applicant(s) SEKIGUCHI ET AL.	
	Examiner DEREK S. CHAPEL	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/2/06, 7/10/06, 8/29/06, 11/28/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/2/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/29/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Of Claims

1. Claims 1-5 are pending for examination as interpreted by the examiner.

Information Disclosure Statement

2. The information disclosure statement filed 8/9/2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Therefore, the crossed out references have not been considered.

Drawings

3. The drawings were received on 6/2/2006. These drawings are accepted.

Specification

4. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).
5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Art Unit: 2872

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

7. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 4 and 5 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2872

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihashi et al., U.S. Patent Number 6,519,016 B1 (hereafter Ichihashi) in view of Sekiguchi et al., International Publication Number WO 02/088783 A1, of record (hereafter Sekiguchi).

12. As to claims 1 and 2, Ichihashi discloses a wavelength plate laser optical system which is a wavelength plate using an oriented film (see at least figure 1), characterized by having values of the following formula (a) against two laser beams (it is noted that this limitation is considered to be met if the film would exhibit the claimed values when irradiated by two laser beams of different wavelengths and does not actually have to be irradiated by two laser beams of different wavelengths) having a different wavelength such that the value is $((0.2 \text{ to } 0.3) + X)$ for a first laser beam (see at least column 2, lines 1-35 and column 3, lines 38-44; it is noted that when $X=1$, the retardation value of the retardation film is between 1.2 and 1.3 and the retardation film of Ichihashi has a value of .2 at a first wavelength (i.e. 450 nm) which is the equivalent to a retardation value of 1.2) and that the value is $((0.8 \text{ to } 1.2) + Y)$ for a second laser beam (see at least column 2, lines 1-35 and column 3, lines 38-44; it is noted that when $Y=0$, the retardation value

Art Unit: 2872

of the retardation film is between 0.8 and 1.2 and the retardation film of Ichihashi has a value of .2 at a second wavelength (i.e. 550 nm) which is the equivalent to a retardation value of 1.2), respectively (wherein X represents 0 or the number of an integral multiple of 0.5; and Y represents 0 or an integer of 1 or more):

$$Re(\lambda)/\lambda \quad (a)$$

wherein λ represents a wavelength (nm) of the laser beam; and $Re(\lambda)$ represents a retardation value (nm) of the laser beam having transmitted through the wavelength plate.

Ichihashi does not specifically disclose that the film contains a cyclic olefin based resin or that it is stretched.

However, Sekiguchi teaches that it is well known to use cyclic polyolefin based resin films as retarding films (see at least page 1, lines 15-20 and page 2, lines 17-32 of Sekiguchi). Sekiguchi further teaches that it is well known to uniaxially or biaxially stretch retarding films (see at least page 25, lines 7-27 of Sekiguchi).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the film of Ichihashi to include the teachings of Sekiguchi so that the retarding film is a cyclic olefin based resin and to stretch the retarding film, for the purpose of having superior heat resistance, as taught by Sekiguchi (see at least page 1, lines 15-20 and page 2, lines 17-32 of Sekiguchi), and for controlling the thickness of the film during production.

13. As to claim 3, Ichihashi in view of Sekiguchi discloses plural sheets of the stretched and oriented film containing a cyclic olefin based resin are laminated such that

Art Unit: 2872

the respective optical axes become parallel and used (see at least figure 1 of Ichihashi; it is noted that both films of Ichihashi are laminated together with parallel optical axes such that light incident on one of the films goes through both films at the same angle).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEREK S. CHAPEL whose telephone number is (571)272-8042. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S. C./
Examiner, Art Unit 2872
12/20/2008

/Stephone B. Allen/
Supervisory Patent Examiner
Art Unit 2872

Application/Control Number: 10/581,523
Art Unit: 2872

Page 7